

**Remarks**

The above Amendments and these Remarks are in reply to the outstanding Office Action and in response to an Examiner's interview on July 20, 2004.

Claims 6-7, 9, 12-14, 25, 38, 40-41 and 43-45 are presented herewith for consideration. Claims 1-5, 8, 10-11, 15-24, 26-37, 39 and 42 have been cancelled and claims 6-7, 9, 12-14, 25, 40 and 43-45 are currently amended.

Claims 38 and 41 are allowed. Claims 5-7, 9, 12-14, 22, 25, 37, 40 and 43-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include the limitations of the rejected base claim. Accordingly, claims 9, 12-14, 25, 40 and 43-44 have been rewritten and therefore are believed allowable.

Claims 1-4, 8, 10, 11, 15, 16-21, 23-24 and 26-34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As suggested by the Examiner, the currently amended claims have excluded the term "capable of." Accordingly, it is respectfully requested the Examiner withdraw the rejection of the claims under 35 U.S.C. §112, second paragraph.


Filed concurrently herewith is an Information Disclosure Statement. Copies of the references are not being forwarded as they were sent to the Examiner in an electronic folder on July 15, 2004. The Examiner is respectfully requested to review the references and return an initialed copy of the IDS.

Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: July 22, 2004

By:   
Kirk J. DeNiro  
Reg. No. 35,854

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 Market Street, Suite 540  
San Francisco, CA 94105-4206  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665